



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Duewel *et al.*

Application No: 10/602,545

Filed: June 16, 2003

For: Enzyme/Chemical Reactor Based  
Protein Processing Method for  
Proteomics Analysis by Mass  
Spectrometry

Examiner: To be assigned

Art Unit: 1764

Attorney Document No. MDSP-P03-020

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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***Statement of Facts by Joseph Michel Daniel Figeys***

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Sir:

I, Joseph Michel Daniel Figeys, residing at 1863 Wildflower Drive, Pickering, Ontario L1V 7A3, Canada, hereby state that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Henry S. Duewel, Theo Goh, and Theirry LeBihan, and presents claims directed to Enzyme/Chemical Reactor Based Protein Processing Method for Proteomics Analysis by Mass Spectrometry.
3. The inadvertent omission of my name as an inventor occurred without any deceptive intent on my part.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: March 16<sup>th</sup> 2004

  
\_\_\_\_\_  
Joseph Michel Daniel Figeys



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*Consent of Assignee*

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Sir:

Assignee, MDS Proteomics Inc., a corporation with offices at 251 Attwell Drive, Toronto, Ontario M9W 7H4, Canada, hereby consents to Petitioner/Inventor's request to amend the inventorship under 37 C.F.R. §1.48(a), to add Joseph Michel Daniel Figeys as a co-inventor in the present application.

Respectfully submitted,  
MDS Proteomics Inc.

By: David T. Patterson  
Name: DAVID T. PATTERSON  
Title: VP, GENERAL COUNSEL & SECRETARY  
Date: March 16, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ENZYME/CHEMICAL REACTOR BASED PROTEIN PROCESSING METHOD FOR  
PROTEOMICS ANALYSIS BY MASS SPECTROMETRY

the specification of which was filed on June 23, 2003 as Application No. 10/602545.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/343859	December 28, 2001	___ Yes No ___ <input checked="" type="checkbox"/>
		___ Yes No ___
		___ Yes No ___

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no such U.S./PCT applications have been filed.

☒ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing
This Application	Continuation-in-part	10/455746	June 5, 2003
10/455746	Continuation-in-part	10/330859	December 26, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practioners at Customer Number 28120

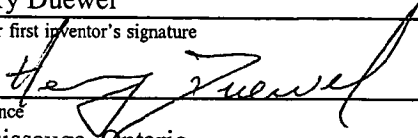
all of **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

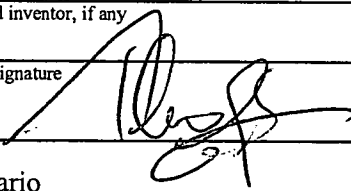
Please mail all correspondence to Matthew P. Vincent, whose address is:

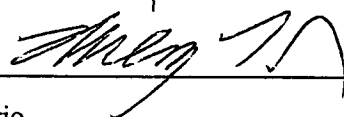
**Ropes & Gray LLP**  
One International Place  
Boston, Massachusetts 02110-2624


Please direct telephone calls to: Matthew P. Vincent at (617) 951-7739.

Please direct facsimiles to: (617) 951-7050

Full name of sole or first inventor <b>Henry Duewel</b>	
Sole or first inventor's signature 	Date <b>MARCH 15 '04</b>
Residence <b>Mississauga, Ontario</b>	
Citizenship <b>Canada</b>	
Mailing Address <b>1755 Rathburn Road E. Unit 83 Mississauga, Ontario L4W 2M8 CANADA</b>	

Full name of second inventor, if any <b>Theo Goh</b>	
Second inventor's signature 	Date <b>March 15, 2004</b>
Residence <b>Toronto, Ontario</b>	
Citizenship <b>Canada</b>	
Mailing Address <b>1055 Bay Street Apt. 1707 Toronto, Ontario M5S 3A3 CANADA</b>	

Full name of third inventor, if any <b>Thierry Le Bihan</b>	
Third inventor's signature 	Date <b>March 15<sup>th</sup> 2004</b>
Residence <b>Mississauga, Ontario</b>	
Citizenship <b>Canada</b>	
Mailing Address <b>#206-3310 Fieldgate Dr. Mississauga, Ontario L4X 2J1 CANADA</b>	

Full name of fourth inventor, if any <b>Joseph Michel Daniel Figeys</b>	
Fourth inventor's signature 	Date <b>March 16<sup>th</sup> 2004</b>
Residence <b>Pickering, Ontario</b>	
Citizenship <b>Canada</b>	
Mailing Address <b>1863 Wildflower Drive Pickering, Ontario L1V 7A3 CANADA</b>	

**ASSIGNMENT**

WHEREAS, each of the Undersigned has developed certain inventions described in U.S. patent application titled:

**ENZYME/CHEMICAL REACTOR BASED PROTEIN PROCESSING METHOD FOR  
PROTEOMICS ANALYSIS BY MASS SPECTROMETRY**

filed on **June 23, 2003, U.S. Application No. 10/602,545**; and has full right to convey their entire interest, both legal and equitable, in and to said inventions free from all prior assignments, agreements, licenses, mortgages, security interests, or other encumbrances whatsoever; and

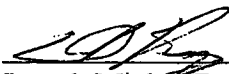
WHEREAS, **MDS PROTEOMICS INC.**, ("ASSIGNEE"), an international corporation having executive offices at 251 Attwell Drive, Toronto, Ontario, Canada M9W 7H4, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of the sum of One Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Undersigned, each of the Undersigned hereby sells, assigns and transfers unto said ASSIGNEE, its successors and assigns, their entire right, title and interest in and to said invention or inventions, as described in the aforesaid application and all applications resulting therefrom, including any and all divisions, continuations, continuations in part, substitute applications, and reissues or extensions thereof; and all resulting patents.

AND each of the Undersigned hereby authorizes and requests the issuing authority to issue any and all patents on said application or applications to said ASSIGNEE or its successors and assigns; the Undersigned agree(s) that the attorney of record in said application shall hereinafter act on behalf of said ASSIGNEE.

AND, each of the Undersigned further agrees, without any further payment or compensation by said ASSIGNEE or its successors and assigns, to communicate to said ASSIGNEE, its representatives or agents or its successors and assigns, any facts relating to said invention or inventions including evidence for interference purposes or for other legal proceedings whenever requested; to testify in any interference or other legal proceedings, whenever requested; to execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective; and to generally do everything possible to aid said ASSIGNEE, its successors or assigns and nominees to secure, obtain and enforce proper patent protection for said invention or inventions in this or any foreign country.

Each of the undersigned hereby authorizes Ropes & Gray LLP, of One International Place, Boston, MA 02110, to insert hereon any further identification information necessary or desirable for recordation of this document.

	<u>Inventor(s)</u>	<u>Date Signed</u>	<u>Witness(es)</u>
1.	 Joseph Michel Daniel Figeys	<u>10/03/04</u>	